UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

JUDGMENT IN A CIVIL CASE

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Plaintiff,

vs.

Civil Action 2:08-CV-0340 Judge Marbley Magistrate Judge King

MICHAEL J. ASTRUE, Commissioner of Social Security,

Defendant.

- [] **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- [] **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.
- [X] **Decision by Court.** This action was decided by the Court without a trial or hearing.

IT IS ORDERED AND ADJUDGED That pursuant to the September 14, 2009 Order, the Report and Recommendation is ADOPTED and AFFIRMED. The decision of the Commissioner of Social Security is affirmed and this action is hereby DISMISSED.

Date: September 14, 2009 James Bonini, Clerk

s/Betty L. Clark

Betty L. Clark/Deputy Clerk